

Minutes of the Maine Real Estate Commission

MARCH 24, 2005

MEMBERS PRESENT

Earl Black
David Kitchen
Sharon Millett
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol Leighton, Director
Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Dennis Smith, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 1:35 p.m.

Minutes – January 20, 2005

A motion was made by Jeffrey Mitchell and seconded by Earl Black to approve the minutes of the January 20, 2005 meeting as written. Unanimous.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to add the following to the agenda. Unanimous.

- Proposed Dismissals
 - #2003-101
 - #2003-109
- PSI Exam Meeting
- Elaine Richer Memo – Open Book Exams
- L.D. 601
- Arsenic Report

Commission Decisions

A motion was made by Jeffrey Mitchell and seconded by Earl Black to accept the Decision in the matter of I. Roger LaJeunesse v. Director. Unanimous.

Commission Hearings

The Chair opened the hearing in the matter of Director v. Amy J. Halsey. The Director was present. Ms. Halsey was present and not represented by an attorney. Assistant Attorney General Dennis Smith attended as Commission counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Jeffrey Mitchell and seconded by Earl Black to find the licensee in violation of 32 M.R.S.A. §13195. Unanimous. A motion was

made by Jeffrey Mitchell and seconded by Earl Black to order the licensee to pay a fine in the amount of \$300 within 30 days. Black, Kitchen, Millett, and Mitchell voted in the affirmative; Stevens opposed. Motion carried.

Sharon Millett left the meeting at 1:05 p.m.

The Vice-Chair opened the hearing in the matter of Director v. Jeffrey C. Irving. The Director was present. Mr. Irving was not present nor represented by an attorney. Assistant Attorney General Dennis Smith attended as Commission counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Earl Black and seconded by Jeffrey Mitchell to find the licensee in violation of 32 M.R.S.A. §13067(1)(F) and §13191(1). Unanimous. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order the licensee to pay a fine in the amount of \$600 within 30 days. Unanimous.

Consent Agreements

A motion was made by Winfred Stevens and seconded by Earl Black to accept the proposed Consent Agreements in case numbers 2002-101, 2003-059, 2004-141, 2005-013, 2005-020, 2005-022, 2005-029, and 2005-036. Unanimous.

A motion was made by Earl Black and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2004-096. Jeffrey Mitchell recused and left the room. Black, Kitchen, Millett, and Stevens voted in the affirmative; none opposed. Motion carried.

Dismissed Complaints

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to accept the proposed Dismissals in case numbers 2003-083, 2003-084, 2003-086, 2003-092, 2003-095, 2003-114, 2004-139, 2005-004, 2005-015, 2003-101, and 2003/109. Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to accept the proposed Dismissal in case number 2003-105. Earl Black recused and left the room. Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to accept the proposed Dismissal in case number 2005-015. David Kitchen recused and left the room. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Dismissal in case number 2005-002. Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; Black opposed. Motion carried.

Correspondence

Mark A. Chaisty – Request for License Reinstatement: A motion was made by David Kitchen and seconded by Earl Black to grant reinstatement. Black, Kitchen, Millett, and Mitchell voted in the affirmative; none opposed; Stevens abstained. Motion carried.

Nicholas Bull, Esquire – Condominium Deposits/Broker as Trustee: The letter will be acknowledged and referred to the Attorney General's office.

Board of Real Estate Appraisers – Broker Appraisals/Opinions of Market Value: Discussed and decided to reiterate the matter in the next newsletter.

Director's Report

Legislative Update:

Commission proposal - §13178 amendment: Discussed – members will be updated as this proposal goes forward.

MAR Omnibus bill Draft: Discussed changes.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to oppose changes to Title 33 §173(6) which states “Any other information determined to be a required disclosure and adopted by rule by the Real Estate Commission pursuant to Title 32, section 13065”. Unanimous.

A motion was made by Earl Black and seconded by Winfred Stevens to support the concept of authority to address unlicensed practice. Unanimous.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to support the concept of minimum services. It was noted that the current statute authorizes the Commission to adopt standards of brokerage practice. Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to take no position on changes to the education requirements. Kitchen, Mitchell, and Stevens voted in the affirmative; Black and Millett opposed. Motion carried.

Disclosure of Manufactured Housing – Karen Bivins 3/14/05 memo: Tabled to next meeting.

Tabled to next meeting:

June ARELLO Meeting – Update

Finder fee form letter re: Keith Collins from Pennsylvania

Elaine Richer Memo – Open Book Exams

L.D. 601

Arsenic Report

PSI Exam Meeting: A motion was made by Earl Black and seconded by Jeffrey Mitchell to authorize out of state travel for David Kitchen to attend. Unanimous.

Next Meeting Scheduled for April 21, 2005.

The meeting was adjourned at 1:35 p.m.

This report respectfully submitted,

Sharon Millett
Chairperson

Carol J. Leighton
Director